

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Michael Alonza Rufus,	)	Cr. No. 3:02-550
	)	
Movant,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
United States of America,	)	
	)	
Respondent.	)	
_____	)	

Movant is before the court pursuant to 28 U.S.C. § 455 seeking to disqualify Judge Margaret B. Seymour, Judge Joseph R. McCrorey, and “any judge having similar characteristics” from presiding over any of his post-trial motions. ECF No. 162. Movant asserts that the aforementioned judges have a financial interest in this action because they previously served as attorneys.

As a threshold matter, the court does not anticipate that Movant’s case will ever be assigned to Judge Joseph R. McCrorey since he is no longer with the district court. Court records show that Movant’s case has been assigned to Judge Margaret B. Seymour. A presiding judge is not required to recuse herself because of “unsupported, irrational or highly tenuous speculation.” *United States v. Cherry*, 330 F.3d 658, 665 (4th Cir. 2003). The proper test is whether a person with knowledge of all of the circumstances might reasonably question the judge’s impartiality. *Id.* Movant’s assertion that the aforementioned judges have a financial interest in this action because they previously served as attorneys is unsupported. Furthermore, there is no legal basis for disqualifying “any judge having similar characteristics.” To the extent that Movant’s case is ever re-assigned, Movant should file a new motion for disqualification.

Based on the foregoing, Movant’s motion is DENIED.

**IT IS SO ORDERED.**

/s/Margaret B. Seymour  
Margaret B. Seymour  
United States District Judge

April 6, 2015

Columbia, South Carolina